

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

NORTHWEST ADMINISTRATORS, INC.,

Plaintiff,

v.

SOUTHLAND LUMBER AND SUPPLY CO.,

Defendant.

CASE NO. C13-1180RAJ

ORDER

This matter comes before the court on Plaintiff's motion for default judgment. Dkt. # 7. The court GRANTS the motion and directs the clerk to enter default judgment as directed at the conclusion of this order.

The court's role in reviewing a motion for default judgment is not ministerial. It must accept all well-pleaded allegations of the complaint as fact, except facts related to the amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir. 1987). Where those facts establish a defendant's liability, the court has discretion, not an obligation, to enter a default judgment. *Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980); *Alan Neuman Productions, Inc. v. Albright*, 862 F.2d 1388, 1392 (9th Cir. 1988). The plaintiff must submit evidence supporting a claim for a particular sum of damages. *TeleVideo Sys.*, 826 F.2d at 917-18; *see also* Fed. R. Civ. P. 55(b)(2)(B). If the plaintiff cannot prove that the sum it seeks is "a liquidated sum or capable of

1 mathematical calculation,” the court must hold a hearing or otherwise ensure that the  
2 damage award is appropriate. *Davis v. Fendler*, 650 F.2d 1154, 1161 (9th Cir. 1981).

3 Plaintiff is the authorized administrative agent for and assignee of a union trust  
4 fund. The evidence it has presented establishes that Defendant was obligated to make  
5 contributions to the trusts, and that Defendant failed to do so. The evidence demonstrates  
6 that Defendant made delinquent payment of Trust contributions for April and May 2013,  
7 entitling Plaintiff to liquidated damages of 20% of delinquent contributions, or \$617.76  
8 plus interest in the amount of \$11.11 in this case.

9 In addition, Plaintiff requests attorney fees and costs. Although Plaintiff’s  
10 evidence of attorney fees includes the hourly fees of non-attorneys, Plaintiff has  
11 established that its counsel does not incorporate non-attorney work into his hourly rate,  
12 and has established that counsel actually bills Plaintiff for the work of non-attorneys. In  
13 accordance with *Trustees of the Const. Indus. & Laborers Health & Welfare Trust v.*  
14 *Redland Ins. Co.*, 460 F.3d 1253, 1256-57 (9th Cir. 2006), the court awards the hourly  
15 fees of both Plaintiff’s counsel and counsel’s hourly-billing support staff. The court finds  
16 that Plaintiff’s evidence supports an attorney fee award of \$714.50 and costs of \$560.00.

17 The clerk shall enter default judgment in accordance with this order.

18 DATED this 27th day of September, 2013.

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22 The Honorable Richard A. Jones  
23 United States District Judge